

Wednesday, May 2, 1990

Senate

Chamber Action

Routine Proceedings, pages 9133-9200

Measures Introduced: Eight bills and two resolutions were introduced as follows: S. 2560-2567, S. Res. 278, and S. Con. Res. 125.

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Measures Reported: Reports were made as follows:

S. 1423, to authorize a certificate of documentation for the vessel *Job Site*. (S. Rept. No. 101-274)

S. 1791, to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, with an amendment in the nature of a substitute. (S. Rept. No. 101-275)

S. 1855, to authorize a certificate of documentation for the vessel *Camelot*. (S. Rept. No. 101-276)

S. 1856, to authorize a certificate of documentation for the vessel *Sinbad*. (S. Rept. No. 101-277)

S. 2008, to authorize a certificate of documentation for the vessel *Pacific Pearl*. (S. Rept. No. 101-278)

S. 2076, to authorize a certificate of documentation for the vessel *Mariner III*. (S. Rept. No. 101-279)

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Measures Passed:

Miscellaneous Amendments to Indian Laws: Senate passed S. 1846, to make miscellaneous amendments to Indian laws, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

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Mitchell (for Inouye) Amendment No. 1574, of a technical nature.

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Production of Senate Documents: Senate agreed to S. Res. 278, to authorize the representation of, and production of documents by, the Select Committee on Intelligence in the case of *United States v. Barnett*.

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Hatch Act Reform Amendments: Senate resumed consideration of the motion to proceed to S. 135, to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, and to protect such employees from improper political solicitations.

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By unanimous-consent, Senate will begin consideration of the bill on Thursday, May 3, 1990, at 10:30 a.m.

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Measures Indefinitely Postponed: Senate indefinitely postponed further consideration of the following measures:

Integrity in Post Employment Act: S. 1, to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the United States Government from attempting to influence the United States Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service.

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North American Wetland Ecosystems: H.R. 2587, to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

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Messages From the House:

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Communications:

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Petitions:

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Statements on Introduced Bills:

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Additional Cosponsors:

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Amendments Submitted:

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Authority for Committees:

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Additional Statements:

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Recess: Senate convened at 11 a.m., and recessed at 6:42 p.m., until 9:45 a.m., on Thursday, May 3, 1990. (For Senate's program, see the remarks of Senator Mitchell in today's Record on page 9170.)

Committee Meetings

1990 FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee resumed consideration of proposed legislation to strengthen and improve U.S. agricultural programs, focusing on conservation provisions, but did not complete action thereon, and will meet again tomorrow.

APPROPRIATIONS—FBI/DEA

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary held hearings on proposed budget estimates for fiscal year 1991 for the Department of Justice, receiving testimony in behalf of funds for their respective activities from William S. Sessions, Director, Federal Bureau of Investigations, and Terrance M. Burke, Acting Administrator, Drug Enforcement Administration, both of the Department of Justice.

Subcommittee recessed subject to call.

AUTHORIZATIONS—DEFENSE

Committee on Armed Services: Subcommittee on Conventional Forces and Alliance Defense resumed hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the Department of the Navy's force structure and modernization plans, receiving testimony from Vice Adm. R. M. Dunleavy, USN, Assistant Chief of Naval Operations (Air Warfare), Department of the Navy; Lt. Gen. Charles H. Pitman, USMC, Deputy Chief of Staff for Aviation, United States Marine Corps; and Vice Adm. Richard Gentz, Commander, Naval Air Systems Command.

Subcommittee recessed subject to call.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following bills:

S. 566, to authorize a new corporation to support State and local strategies for achieving more affordable housing and to increase homeownership, with an amendment in the nature of a substitute; and

S. 2388, to provide for the striking of medals in commemoration of the Centennial of Yosemite National Park in California, with an amendment.

BUDGET RESOLUTION

Committee on the Budget: Committee ordered favorably reported an original concurrent resolution on the budget setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority for fiscal years 1991 through 1995.

TELEMARKETING AND CONSUMER FRAUD

Committee on Commerce, Science, and Transportation: Consumer Subcommittee concluded hearings on S. 2494, to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and S. 1441, to enhance the Federal Trade Commission's ability to prevent consumer fraud, after receiving testimony from Representative Luken; Janet D. Steiger, Chairman, Federal Trade Commission; Nevada State Attorney General Brian McKay, Las Vegas, on behalf of the National Association of Attorneys General; Jane King, Fairfax County Office of Consumer Affairs, Fairfax, Virginia, on behalf of the National Association of Consumer Agency Administrators; Richard A. Barton, Direct Marketing Association, Washington, D.C.; Richard Collier, MasterCard International, Inc., New York, New York; and James Santini, National Tour Association, Alexandria, Virginia.

FEDERAL FACILITY COMPLIANCE

Committee on Environment and Public Works: Committee concluded hearings on S. 1140, to require Federal agencies to assess whether hazardous substance treatment,

storage, or disposal facilities owned or operated by such agencies are in compliance with Federal and State environmental laws, after receiving testimony from Richard B. Stewart, Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; Stephen A. Wakefield, General Counsel, Department of Energy; James M. Strock, Assistant Administrator for Enforcement, Environmental Protection Agency; David J. Berteau, Principal Deputy Assistant Secretary of Defense for Production and Logistics; Maine Attorney General James E. Tierney, Augusta, and Ohio Assistant Attorney General Jack A. Van Kley, Columbus, both representing the National Association of Attorneys General; Christine Gregoire, Washington State Department of Ecology, Olympia, and Tom Looby, Colorado State Department of Health, Denver, both representing the National Governors' Association; Shira Flax, Sierra Club, Washington, D.C.; and Melinda Kassen, Environmental Defense Fund, Boulder, Colorado.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Charles H. Thomas, of Maryland, to be Ambassador to the Republic of Hungary, and Steven E. Steiner, of Maryland, for the rank of Ambassador during his tenure of service as U.S. Representative to the Special Verification Commission, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Stanley F. Birch, Jr., of Georgia, to be United States Circuit Judge for the Eleventh Circuit, John D. Rainey, to be United States District Judge for the Southern District of Texas, Samuel Grayson Wilson, to be United States District Judge for the Western District of Virginia, and Richard W. Vollmer, Jr., to be United States District Judge for the Southern District of Alabama, after the nominees testified and answered questions in their own behalf. Mr. Birch was introduced by Senators Nunn and Fowler, Mr. Rainey was introduced by Senator Gramm and Representative Laughlin, Mr. Wilson was introduced by Senators Robb and Warner, and Mr. Vollmer was introduced by Senators Heflin and Shelby and Representative Callahan.

DRUG TREATMENT FOR THE INCARCERATED

Committee on Labor and Human Resources: Committee held hearings to examine Federal and State drug treatment programs for drug users and addicts who have been incarcerated, receiving testimony from Senator DeConcini; Beny J. Primm, Associate Administrator for Treatment Improvement, Alcohol, Drug Abuse, and Mental Health Administration, Department of Health and Human Services; Clifford J. White, III, Deputy Assistant Attorney General, Office of Justice Programs, and Gerald P. Regier, Acting Director, Bureau of Justice Assistance,

both of the Department of Justice; Morris L. Thigpen, Alabama State Department of Corrections, Montgomery; Harry K. Wexler, Narcotic and Drug Research, Inc., New York, New York; John A. Mangos, University of Texas Health Science Center, San Antonio; and Naya Arbitor and Yolanda Miranda, both on behalf of Amity, Inc., Tucson, Arizona.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 21 public bills, H.R. 4703–4723; and 5 resolutions, H.J. Res. 560–561, H. Con. Res. 319, and H. Res. 386–387 were introduced.

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Reports Filed: Reports were filed as follows:

Conference report on H.R. 2364, to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation (H. Rept. 101–471); and

H.R. 4610, to authorize assistance for fiscal year 1991 for emerging democracies in Eastern Europe and Central America, to enact foreign assistance authorization legislation, to authorize appropriations for the Peace Corps, the Department of State, and the United States Information Agency, and for other purposes. (H. Rept. 101–472).

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Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Gephardt to act as Speaker pro tempore for today.

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Committee to Sit: Committee on the Judiciary received permission to sit today during proceedings of the House under the five-minute rule.

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SSC Authorization: By a yea-and-nay vote of 309 yeas to 109 nays, Roll No. 94, the House passed H.R. 4380, to authorize appropriations for the Superconducting Super Collider.

Page 9210

Agreed to the committee amendment in the nature of a substitute.

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Agreed To:

The Roe technical amendment relating to the rate of pay for the Director of SSC;

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The Roe technical amendment relating to the sunset provision;

Page 9223

The Roe amendment that eliminates real estate and interests in real estate from the aggregate value of cash and in-kind contributions made by Texas which has been se-

lected as the site for the SSC; and directs DOE to return to Texas real estate and interests in real estate contributed to the SSC, if the project is terminated;

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The Walker amendment that changes the effective date of the Federal cost cap from October 1, 1989 to October 1, 1987, to ensure that the \$130 million previously appropriated is included in the \$5 billion Federal contribution total;

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The Wolpe amendment that requires an evaluation by GAO regarding the complete summary project plan and other DOE reports before \$1.17 billion is made available for obligation (agreed to by a recorded vote of 420 yeas, Roll No. 92);

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The Boehlert amendment that requires DOE to certify that the SSC can be completed without exceeding the \$5 billion Federal funding cap before obligating the \$5.9 billion;

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The Traficant amendment that prohibits foreign firms from bidding on SSC-related contracts if their country is found by the President to be engaging in unfair trade practices against the United States;

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The Sensenbrenner amendment that strikes a provision that would provide a refund to Texas if the SSC project is terminated before October 1, 1995 (agreed to by a recorded vote of 256 yeas to 163 noes, Roll No. 93);

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The Eckart amendment that authorizes DOE to use creative funding mechanisms to minimize the cost of constructing the SSC that will not require additional expenditures of Federal funds; and

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The Stokes amendment, as amended by the Walker amendment, that requires DOE to ensure that at least 10 percent of Federal funding for the development, construction, and operation of the SSC be made available to business concerns or other organizations owned or controlled by certain minorities; and does not permit or require the use of quotas in determining eligibility.

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H. Res. 379, the rule under which the bill was considered, was agreed to by a yea-and-nay vote of 406 yeas, Roll No. 90.

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Referral: One Senate-passed measure was referred to the appropriate House committee.

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Quorum Calls—Votes: One quorum call, two yea-and-nay votes, and two recorded votes developed during the proceedings of the House today and appear on pages 9211, 9228, 9229, 9239, and 9241.

Adjournment: Met at noon and adjourned at 7:05 p.m.

Committee Meetings

FARM BILL

Committee on Agriculture: Began markup of H.R. 3950, Food and Agricultural Resources Act of 1990. Will continue May 9.

MARKETING MECHANISMS—FRUIT AND VEGETABLE INDUSTRIES

Committee on Agriculture: Subcommittee on Domestic Marketing, Consumer Relations and Nutrition held a hearing to review the marketing mechanisms of the fruit and vegetable industries. Testimony was heard from Dan Haley, Administrator, Agricultural Marketing Service, USDA; and public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the Forest Service. Testimony was heard from F. Dale Robertson, Chief, Forest Service, USDA.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA-HUD-Independent Agencies continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

Hearings continue tomorrow.

HOUSING AND COMMUNITY DEVELOPMENT ACT

Committee on Banking, Finance and Urban Affairs: Subcommittee on Housing and Community Development continued markup of H.R. 1180, Housing and Community Development Act of 1989.

Will continue tomorrow.

CIVIL RIGHTS ACT

Committee on Education and Labor: Continued markup of H.R. 4000, Civil Rights Act of 1990.

Will continue tomorrow.

NATIONAL ENDOWMENT FOR THE HUMANITIES REAUTHORIZATION

Committee on Education and Labor: Subcommittee on Post-secondary Education held a hearing on the reauthorization of the National Endowment for the Humanities. Testimony was heard from Lynne V. Cheney, Chairman, National Endowment for the Humanities; and public witnesses.

LONG-TERM CARE INSURANCE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing to examine the marketing, sale and adequacy of regulation of long-term care insurance. Testimony was heard from public witnesses.

TELEVISION DECODER CIRCUITRY ACT

Committee on Energy and Commerce: Subcommittee on Telecommunications and Finance held a hearing on H.R. 4267, Television Decoder Circuitry Act of 1990. Testimony was heard from public witnesses.

SOVIET FOREIGN POLICY AND UNITED STATES-SOVIET RELATIONS

Committee on Foreign Affairs: Subcommittee on Europe and the Middle East held a hearing on Soviet Foreign Policy and United States-Soviet Relations. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES; ANTARCTICA'S ECOSYSTEM

Committee on Foreign Affairs: Subcommittee on Human Rights and International Organizations approved for full Committee action the following measures: Title II amended, of H.R. 2984, Global Change Research Act of 1989; H. Con. Res. 287, amended, calling for a U.S. policy of promoting the continuation, for a minimum of an additional 10 years, of the International Whaling Commission's moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale population; and H. Con. Res. 227, concerning the establishment of a multilateral initiative to promote confidence among the people of Hong Kong.

The Subcommittee also held a hearing on preserving Antarctica's Ecosystem. Testimony was heard from Capt. Jacques-Yves Cousteau, Cousteau Society; and public witnesses.

ABUSES, MISMANAGEMENT AND FAVORITISM IN HUD

Committee on Government Operations: Subcommittee on Employment and Housing continued hearings on Abuses, Mismanagement and Favoritism in the Department of Housing and Urban Development Programs. Testimony was heard from DuBois Gilliam, former Deputy Assistant Secretary, Policy and Development, Department of Housing and Urban Development.

Hearings continue May 4.

NATIONAL DRUG CONTROL STRATEGY

Committee on Government Operations: Subcommittee on Legislation and National Security and the Subcommittee on Government Information, Justice and Agriculture held a joint oversight hearing on Law Enforcement Component of the National Drug Control Strategy. Testimony was

heard from Judge Reggie B. Walton, Associate Director, Bureau of State and Local Affairs, Office of National Drug Control Policy; Robert Morgenthau, District Attorney, Manhattan, City of New York; and public witnesses.

PARK SYSTEM BOUNDARIES

Committee on Interior and Insular Affairs: Ordered reported amended H.R. 3383, to authorize the National Park Service to conduct a study of park system boundaries.

BIOLOGICAL WEAPONS ACT; AMERICANS WITH DISABILITIES ACT

Committee on the Judiciary: Ordered reported amended the following bills: H.R. 237, Biological Weapons Act of 1989; and H.R. 2273, Americans with Disabilities Act of 1989.

BRIEFING—ANTARCTICA

Committee on Merchant Marine and Fisheries: Subcommittee on Oceanography and Great Lakes held a briefing on the future of Antarctica and a discussion of current issues related to environmental protection and minerals development in Antarctica. The Subcommittee was briefed by Captain Jacques-Yves Cousteau, Cousteau Society.

FEMA'S PERFORMANCE

Committee on Public Works and Transportation: Subcommittee on Investigations and Oversight continued hearings to examine the Federal Emergency Management Agency's performance and role in managing major natural disasters and emergencies. Testimony was heard from Grant C. Peterson, Associate Director, State and Local Programs and Support Directorate, FEMA; Joseph Myers, Director, Division, Emergency Management, State of North Carolina; Stitt Wolfe, Operations Officer, Emergency Preparedness Division, State of South Carolina; and public witnesses.

GREAT LAKES WATER QUALITY ISSUES

Committee on Public Works and Transportation: Subcommittee on Water Resources held a hearing on Great Lakes water quality issues, including H.R. 4323, Great Lakes Water Quality Improvement Act of 1990. Testimony was heard from George K. Durnil, Chairman, United States Section, International Joint Commission—United States and Canada; Valdas V. Adamkus, Great Lakes National Program Manager, Regional Administrator, Region V, EPA; James C. Gritman, Regional Director, Region III, U.S. Fish and Wildlife Service, Department of the Interior; R. Darryl Banks, Deputy Commissioner, Department of Environmental Conservation, State of New York; J.D. Snyder, Director, Office of Great Lakes, Department of Natural Resources, State of Michigan; and public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

VETERANS AGENT ORANGE EXPOSURE AND VIETNAM SERVICE BENEFITS ACT

Committee on Veterans' Affairs: Subcommittee on Compensation, Pension and Insurance held a hearing on H.R. 3004, Veterans Agent Orange Exposure and Vietnam Service Benefits Act of 1989. Testimony was heard from Senator Daschle; Representative Lancaster; Anthony J. Principi, Deputy Secretary, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

SOCIAL SECURITY BENEFITS AND SERVICES

Committee on Ways and Means: Subcommittee on Social Security approved for full Committee action proposals regarding improvements in Social Security benefits and services.

U.S. CUSTOMS SERVICE—COMMERCIAL OPERATIONS

Committee on Ways and Means: Subcommittee on Trade and the Subcommittee on Oversight held a joint hearing on the commercial operations of the U.S. Customs Service. Testimony was heard from Representatives Pickle and Schulze; Carol B. Hallett, Commissioner of Customs, U.S. Customs Service, Department of the Treasury; and public witnesses.

Hearings continue tomorrow.

Joint Meeting

NATIONAL SECURITY

Joint Economic Committee: Committee resumed hearings to examine national security measures for the 1990's, focusing on how education and training contribute to economic security, receiving testimony from Robert T. Jones, Assistant Secretary of Labor for Employment and Training; John T. Sanders, Under Secretary of Education; Anthony P. Carnevale, American Society for Training and Development, and Arnold Packer, Hudson Institute, both of Alexandria, Virginia; Shirley McBay, Massachusetts Institute of Technology, Cambridge; and Margaret Simms, Joint Center for Political and Economic Studies, Washington, D.C.

Hearings were recessed subject to call.

Thursday, May 3, 1990

Senate

Chamber Action

Routine Proceedings, pages 9330-9418